

FORM PTO-1390 (Modified)
(REV. 07-2004)

U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

L9289.04188

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/517 006INTERNATIONAL APPLICATION NO.
PCT/JP2004/002956INTERNATIONAL FILING DATE
March 8, 2004PRIORITY DATE CLAIMED
April 8, 2003

TITLE OF INVENTION

BASE STATION APPARATUS AND ADAPTIVE MODULATION METHOD

APPLICANT(S) FOR DO/EO/US

Katsuhiko ARAKI**Takaaki SATO**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

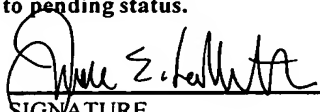
13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Claim for Priority with PCT/IB/304

PCT/RO/101

Letter Regarding Title of Application

Partial Application Data Sheet

U.S. PATENT AND TRADEMARK OFFICE 10/517 006		INTERNATIONAL APPLICATION NO. PCT/JP2004/002956		ATTORNEY'S DOCKET NUMBER L9289.04188																																																																		
24. The following fees are submitted.: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) : <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1110.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$950.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$750.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY 																																																																		
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<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">CLAIMS</th> <th style="width:25%;">NUMBER FILED</th> <th style="width:25%;">NUMBER EXTRA</th> <th style="width:15%;">RATE</th> <th style="width:20%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>8 - 20 =</td> <td>0</td> <td>x \$18.00</td> <td style="text-align: center;">\$0.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td>0</td> <td>x \$88.00</td> <td style="text-align: center;">\$0.00</td> </tr> <tr> <td colspan="4">Multiple Dependent Claims (check if applicable) <input type="checkbox"/></td> <td style="text-align: center;">\$0.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td style="text-align: center;">\$950.00</td> </tr> <tr> <td colspan="4"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. </td> <td style="text-align: center;">\$0.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL =</td> <td style="text-align: center;">\$950.00</td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td style="text-align: center; vertical-align: bottom;">\$0.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td style="text-align: center;">\$950.00</td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input checked="" type="checkbox"/></td> <td style="text-align: center; vertical-align: bottom;">\$40.00</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL FEES ENCLOSED =</td> <td style="text-align: center;">\$990.00</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: center;">Amount to be: refunded \$</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: center;">charged \$</td> </tr> </tbody></table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	8 - 20 =	0	x \$18.00	\$0.00	Independent claims	2 - 3 =	0	x \$88.00	\$0.00	Multiple Dependent Claims (check if applicable) <input type="checkbox"/>				\$0.00	TOTAL OF ABOVE CALCULATIONS =				\$950.00	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	SUBTOTAL =				\$950.00	Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0.00	TOTAL NATIONAL FEE =				\$950.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input checked="" type="checkbox"/>				\$40.00	TOTAL FEES ENCLOSED =				\$990.00					Amount to be: refunded \$					charged \$		
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<p>a. <input checked="" type="checkbox"/> A check in the amount of <u>\$990.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-4375</u></p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>																																																																						
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>James E. Ledbetter STEVENS, DAVIS, MLLER & MOSHER, LLP 1615 L. Street, NW, Suite 850 Washington, DC 20036</p>																																																																						
				 SIGNATURE																																																																		
				James E. Ledbetter NAME																																																																		
				<u>28,732</u> REGISTRATION NUMBER																																																																		
				<u>December 6, 2004</u> DATE																																																																		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Katsuhiko ARAKI, et al.
Application No.: New PCT National Stage Application
Filed: December 6, 2004
For: BASE STATION APPARATUS AND ADAPTIVE MODULATION
METHOD

LETTER REGARDING TITLE OF APPLICATION

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

The undersigned respectfully requests that the title printed on the Official Filing Receipt correspond to the title on the attached English translation of the specification and Declaration for Patent Application, and not the title on the International Publication.

Respectfully submitted,

Date: December 6, 2004

James E. Ledbetter
Registration No. 28,732

JEL/spp

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